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South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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## WEEK IN REVIEW

### HOUSE

The House approved H.4846 and H.4847 which together provide for the elimination of the state's personal property tax.

The House sent to the Senate H.4846 a joint resolution proposing an amendment to the *South Carolina Constitution* providing that property taxes imposed on motor vehicles for motor vehicle property tax years beginning after June, 1999, and on all other personal property for property tax years beginning after 1998, must be separately imposed at a uniform rate on all personal property at a rate that may not exceed the millage rate imposed on such property for any property tax year beginning in 1998 with annual adjustments in the millage rate, if necessary, so that the revenue raised by the tax on personal property does not exceed the revenue raised by the 1998 millage rate. The Constitutional amendment would freeze all personal property taxes.

The House amended and sent to the Senate H.4847 which, effective upon ratification of the above-mentioned Constitutional amendment, provides for the phasing out all motor vehicle property taxes in each county and then phasing out the remaining personal property tax. The bill establishes in the State Treasury the *Motor Vehicle and Personal Property Tax Relief Trust Fund*. The bill provides that this fund will be administered by the Comptroller General, separate from all other funds, and capitalized annually by an amount equal to 15% of projected year-to-year recurring general fund growth plus the total of all amounts previously credited to the Trust Fund, but not more than the total personal property base payment. The funds are to be used to allocate monthly to each county its state personal property tax reimbursement for revenues not collected because of the percentage reduction on the personal property tax it otherwise would receive. Based on this reimbursement, the county auditor must calculate and prescribe a percentage reduction on each personal property tax billing due in the applicable fiscal year, reducing liabilities in the following order: school operating millage on motor vehicles; school bonded indebtedness and lease purchase payments for school construction and renovation millage on motor vehicles; all other millage on motor vehicles; millage on all personal property other than motor vehicles. When all personal property is wholly exempt, each taxing entity shall receive a monthly reimbursement equal to one-twelfth of its local personal property base payment. The bill provides that property exempted from property tax under the provisions of the bill, is considered taxable property for purposes of bonded indebtedness pursuant to Sections 14 and 15 of the *South Carolina Constitution* and for purposes of computing the "index of taxpaying ability" pursuant to relevant South Carolina law. However, only that assessed value applicable for such property for the 1998 property tax year may be so considered.

The House recommitted to the Education and Public Works Committee H.3652 which revises the provisions governing school buses owned and operated by private schools.



The House committed to the Ways and Means Committee H.3453 which provides for the establishment of alternative schools to which school districts would assign students who have proven to be discipline problems.

The House approved and sent to the Senate Concurrent Resolution H.4927 which provides for a joint assembly on April 15 for the purpose of holding elections to fill vacancies in the judiciary, the Legislative Audit Council, and the Consumer Affairs Commission.

The House returned S.332 to the Senate with amendments. This bill concerns confiscated pistols used in the commission of a crime, and gives the police chief or the sheriff the authority to destroy the pistol (current law provides that the pistol must be transferred to the clerk of court or to the mayor for destruction). The bill also prohibits any disposition of the pistol until the results of any legal proceedings involving the pistol are completed. The House amended the bill to allow certain individuals (judges, solicitors, and assistant solicitors) to carry a concealable weapon anywhere within the state when carrying out the duties of their office.

The House returned S.850, the Senate's *Performance and Accountability for Excellence in Teaching and Learning (EXCEL) Act* to the Senate with amendments. As passed by the Senate, this bill combines higher academic standards, immediate and long-term assistance to students and schools, and a performance-based accountability system as a comprehensive legislative initiative to improve teaching and learning in South Carolina. The House amended the Senate bill by completely replacing it with the House-passed version of H.4399, the *Performance and Accountability Standards for Schools (PASS) Act*. A summary of H.4399, as passed by the House, is included in the February 3, 1998, issue of the *Legislative Update*. A summary of S.850, as passed by the Senate, is included in the March 3, 1998, issue of the *Legislative Update*.

The House concurred in Senate amendments to H.3792 and ordered the bill enrolled for ratification. The bill provides that any workers' compensation insurance carrier which writes business in the state's voluntary market must also participate in the residual market assigned risk pool and pay any assessments. Mandatory participation becomes effective January 1, 2000. The bill clarifies that the Director of the Department of Insurance may order an assigned risk plan if he finds that insurers have failed to establish a method of assigning risks among themselves. The Assigned Risk Plan must make use of self-sustaining rates.

The House concurred in Senate amendments to H.3974 and ordered the bill enrolled for ratification. The bill provides that a minor may not be placed in a foster home if the minor has been convicted of or pled guilty to a sex offense, unless the placement is in a therapeutic foster home or unless the minor is the only child in the foster home. However, the placing agency may petition the court for an order allowing the minor to be placed in a foster home, other than a therapeutic home, if good cause is shown.

The House sent to the Senate H.4824, concerning referendum questions that may be confusing to the electorate. Under the provisions of the legislation, when a countywide or less than countywide referendum is held, the electoral board charged with conducting the referendum must make the ballot question available to the news media in the county at least 45 days in

advance of the date of the referendum. If the electoral board determines that a referendum question that might not be clearly understood by the voters, it may prepare a simplified or, when appropriate, more detailed explanation of the question that must be placed on the ballot along with the referendum question. When mechanical devices for voting are used, printed copies of the explanation must be made available at each voting precinct. The bill also provides that when a statewide referendum question is submitted to the electorate and the referendum question is of a nature that it might not be clearly understood by the voters, a simplified or, when appropriate, more detailed explanation of the meaning and effect of the referendum question must be placed on the ballot along with the referendum question.

The House sent to the Senate H.4775 which concerns the "Notice of Names of Persons Appearing to be Owners of Abandoned Property" which must be published by the State Treasurer or his representative. This bill requires the notice to be in a form that is likely to attract the attention of the apparent owner of the unclaimed property. The form must contain the following: the name of each person appearing to be the owner of the property; the last known address or location of each person appearing to be the owner of the property; a statement explaining that property of the owner is presumed to be abandoned and has been taken into custody of the administrator; and a statement that information about the property and its return to the owner is available to a person having a legal or beneficial interest in the property upon request to the administrator.

The House sent to the Senate H.4787 which renames the National Guard Museum and State Weapons Collection as the South Carolina Military Museum. The South Carolina Military Museum Board would govern the museum. Five members must be appointed by the Adjutant General, and the Adjutant General and the President of the S.C. National Guard Association would serve as *ex officio* members of the board.

The House amended and sent to the Senate H.4671 which pertains to a mortgage, i.e. an interest in property given by the debtor (the mortgagor) to the creditor (the mortgagee). Under the provisions of this bill, the holder of the mortgage is responsible for recording the satisfaction of a mortgage once it has been paid in full, written request for satisfaction has been made, and any required satisfaction fee has been paid. If the holder of the mortgage fails to do so after the requirements have been fulfilled, it must pay a penalty of \$100 to the mortgagor. Failure to pay the \$100 penalty within 10 days after demand subjects the mortgagee to additional penalties of \$100 for each 10 days the penalty remains unpaid, up to a total penalty of \$3,000. The bill also repeals S.C. Code Section 29-3-320, which provides that a person may recover up to one half of the amount of the debt when a mortgagee fails to enter satisfaction of a mortgage within three months of a request to do so and the payment of the necessary fees.

The House sent to the Senate H.4737 which pertains to educational requirements for the licensure of real estate brokers and salesmen. The bill provides that, for licensure as a real estate salesman, an applicant must complete sixty, rather than the current thirty, hours of classroom instruction in the fundamentals of real estate principles and practices on evidence. For a real estate broker's license, the applicant must complete one hundred fifty, rather than the current one hundred twenty hours. For a real estate broker's license, ninety, rather than



the current sixty, hours of instruction may be the same hours required for the salesman's license. The bill does not alter the other forms of academic training which satisfy licensure requirements under current law.

The House approved and enrolled for ratification S.472 which conforms the Occupational Therapists Licensing Act with the uniform framework for professional and occupational organizations under the Department of Labor, Licensing and Regulation. The bill also increases from five to seven the membership of the South Carolina Board for Occupational Therapy so as to include two additional positions for licensed Occupational Therapists with at least three years experience. In addition, the bill provides requirements for licensure and temporary licensure of Occupational Therapists and Occupational Therapist Assistants. Under the legislation, licenses must be renewed every two years, with sixteen hours of continuing education required every two years.

The House sent to the Senate H.4755 which adds residence, whether temporary or not, at a charitable or emergency protective shelter to the list of living arrangements which are not governed by the SC Landlord and Tenant Act. The legislation applies to both public and private shelters.

The House returned to the Senate S.772 which allows the magistrate to compel the attendance of any witness residing in the county. Current law provides that the magistrate may compel the attendance of a witness who resides not more than 20 miles from the magistrate's location.

The House refused to concur in Senate amendments to H.4346 and, upon being informed of the Senate's insistence in its amendments, the House appointed members to a conference committee to resolve the differences of the bodies. The bill concerns the issuance of special license plates bearing the emblem of nonprofit organizations. The Senate amended the bill so as to provide that a public university or college which has submitted an emblem to the Department of Transportation may request a change in the emblem once the existing inventory of the license plate has been exhausted instead of once every five years.

The House concurred in Senate amendments to H.4594, which authorizes the use of bream on the Edisto River on certain set hooks.

The House refused to concur in Senate amendments to S.852 which concerns the South Carolina Jocassee Gorges Trust Fund.

The House returned to the Senate S.1003 which prohibits the hunting of migratory game birds without obtaining a migratory game bird permit from the Department of Natural Resources. The permit is free, unless the General Assembly approves a fee.

The House amended and sent to the Senate H.4799 which provides that shrimp boats may drag nets no closer than one-fourth mile off the Kiawah and Seabrook Island beaches.

## SENATE

The Senate gave H.4354 third reading. This bill reflects the merger of the S.C. Bankers Association and the State Savings and Loan League. The Senate also gave third reading to H.4543, which conforms the maximum amounts of bank loans to federal law by setting the maximums as percentages of the bank's unimpaired capital. These bills were enrolled for ratification.

The Senate gave H.3792 third reading and returned the bill to the House. The legislation concerns mechanisms devised by insurers designed to provide affordable insurance for applicants who are in good faith entitled to, but who are unable to procure, insurance through ordinary methods.

The following bills received third reading and were sent to the House: S.778, establishing a monthly commercial mobile radio service 911 charge; S.992, relating to tolls; and S.1059, which clarifies that the Division on Aging is under the Department of Health and Human Services.

The Senate gave third reading to H.3901, the Southern Interstate Dairy Compact Act of 1997. The legislation gives the governor the authority to execute an interstate dairy compact with designated states. The bill was enrolled for ratification, then recalled from Legislative Council and placed back on the Senate calendar.

The Senate amended and gave third reading to H.3789, relating to restrictions on taking certain fish. The amendment provides a catch limit of 10 fish on spotted sea trout. The bill was returned to the House. The Senate also amended and returned to the House H.4640 (concerning back flow devised on gas tanks used to supply propellant for pesticides) and H.4691 (which concerns the processing of all or part of the inedible portions of livestock or poultry carcasses and other raw material).

The Senate gave third reading and sent S.1055 to the House. This joint resolution creates a new class of personal property required to be titled assessed at 10 1/2% of fair market value or a percentage less, but not less than 6%.

The Senate gave third reading to S.843, requiring a student with head lice to return to school only upon presentation of evidence of treatment and a physical screening conducted by the school indicating a lack of head lice. The legislation would take effect once DHEC is appropriated adequate funding for its implementation.

The Senate amended and adopted H.4816, a concurrent resolution to fix the time for many judicial and other elections. The amended resolution sets the date for the elections as May 6, 1998.



The Senate returned **S.332** to the House. The bill was amended to provide that active administrative law judges, active solicitors and assistant solicitors, and active Worker's Compensation commissioners who hold a valid permit may carry a concealable weapon anywhere within this State when carrying out the duties of their office.

The Senate amended and returned **H.3184** to the House. This bill states that a crematory operator is neither civilly nor criminally liable for cremating a body which (1) has been incorrectly identified by the funeral director, coroner, medical examiner, or person authorized by law to bring the deceased to the crematory; or (2) the funeral director has obtained invalid authorization to cremate. The bill also requires a person who without proper legal authority destroys flowers located upon or around a repository for human remains to perform community service in an amount to be determined by the court (up to 500 hours).

The Senate gave third reading to **S.994**, which enacts the South Carolina Deferred Presentment Services Act, and sent the bill to the House.

The Senate amended and sent to the House **S.842**, which is entitled the Selective Service Registration Awareness and Compliance Act. The amendment requires person registering for a class or classes at or applying for financial assistance to attend an institution of postsecondary higher education to affirm that he is in compliance with the Military Selective Service Act.

The filibuster over video poker continued throughout the week. The Senate adjourned on Thursday without resolving the issue.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources and Environmental Affairs Committee met on Tuesday, March 31, and gave favorable reports to three bills.

**H.4799** was reported favorable with amendments. This bill states that shrimp boats may drag nets no closer than one-half mile off the Kiawah and Seabrook Island beaches. The Committee offered an amendment to **H.4799** that reduces from one-mile to one-fourth mile the limit that shrimp boats can cast their nets off Kiawah and Seabrook Island beaches.

**H.4655** received a favorable report with amendments. This bill sets goals for South Carolina to reduce the flow of solid waste being disposed in municipal solid waste landfills and incinerators. The initial goal was to decrease municipal solid waste by 30% by May 27, 1997. This bill increases the goal to a 40% reduction by June 30, 2005. The statewide goal to recycle municipal solid waste generated in this State is increased from 25% by May 27, 1997, to 35% by June 30, 2005. The bill also requires the State to continue setting goals for solid waste recycling and waste reduction after June 30, 2005. The bill adds a definition for municipal solid waste and authorizes the Department of Health and Environmental Control

(DHEC) to establish procedures and promulgate regulations necessary to obtain recycling data. These procedures may include registration of recyclers, a requirement for recyclers to submit annual reports showing the county where the materials are generated, and the amounts of materials recycled. A manufacturer or distributor of containers produced from a plastic resin may adopt a labeling classification number and letter that will assist in the segregation and collection of that resin for recycling if the code number and letter used are nationally recognized industry standards. The Committee passed an amendment to H.4655 that sets the statewide goal for the reduction of solid waste being generated to 4.3 pounds per-person per-day by June 30, 2005.

The Committee gave S.1003 a favorable report. This bill prohibits the hunting of migratory game birds without obtaining a migratory game bird permit from the Department of Natural Resources. The permit is free, unless the General Assembly approves a fee.

## EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee did not meet this week.

## JUDICIARY

The full Judiciary Committee amended and passed H.4463. The original bill stated that a person or business who falsely reports the existence of a credit account or debt by another person or business to a credit reporting agency when the account or debt does not exist is guilty of a misdemeanor and, upon conviction, must be fined not less than \$1,000 nor more than \$50,000 for each offense (and for each offense is prohibited from doing business in this State for 10 days). As amended, the bill states that a person or business commits the offense of furnishing false information if the person or business knowingly furnishes false information about another person's creditworthiness, credit standing, or credit capacity to a credit reporting bureau. Furthermore, a credit reporting bureau commits the offense of furnishing false information if the credit reporting bureau knowingly furnishes false information about a person's creditworthiness, credit standing, or credit capacity to a third party. Violators of these provisions must be fined not more than \$2,000.

The Judiciary Committee gave a favorable recommendation to H.4824, concerning referendum questions that may be confusing to the electorate (see House Week in Review).

The full committee passed H.4670, which concerns the deadline for a person to file his or her statement of intention of candidacy. Currently, the notice must be between noon on March 16 and noon on March 30. This bill changes the date for filing the notice or pledge to between February 1 and February 16. The bill also requires the county committees to transmit to the state committees no later than February 16 all filings for candidates seeking nomination for the state Senate or House of Representatives. In addition, each candidate for selection as a nominee of any political party for any state office, U.S. Senator, member of Congress or solicitor, in order to be voted for in a primary election, must file with the treasurer of the state



committee notice of candidacy by February 16. Every state Senate and House candidate, for selection in a primary election as the nominee of any political party, and all county and township offices also must file their notice of candidacy with the county chairman by February 16.

The full committee gave a favorable report on S.986, which would require the staff of a county board of registration to complete a training and certification program conducted by the State Election Commission. Furthermore, following initial certification, each board member and staff person designated by the board or commission must take at least one training course each year.

H.4830 received a favorable recommendation from the full committee. This bill concerns an owner or lessee of real property seeking to improve, repair, or maintain his property that is so situated that it is impossible to perform the repairs without entering the premises of an adjoining property. Under the provisions of the bill, if permission to enter the adjoining property has been denied, or unreasonable conditions have been placed upon the entry, the owner seeking to make the improvements may petition the circuit court for a license to enter the adjoining property. The petition may not be filed until after a good faith effort to obtain permission to enter the adjoining property has been made. The license may be granted if the court finds that the entry upon the adjoining property does not irreparably or unreasonably damage the adjoining property, there is no unreasonable encroachment or burden upon the adjoining property; and the license is reasonably necessary. If the court grants the license, it must specify the nature of the improvements, repairs, or maintenance to be accomplished, and the manner in which they will be made. The court may include any other terms and conditions considered appropriate to minimize disruption to the adjoining owner's use of his property. The licensee must in all respects restore the adjoining land to its condition prior to entry and is liable for actual damages occurring as a result of the entry. The court may require that an appropriate bond or other security be posted by the licensee and must require the licensee to provide adequate liability and workers' compensation insurance to indemnify the adjoining property owner against claims arising from the work authorized by the license.

The full committee gave H.4439 a favorable report. This bill prohibits a claimant from commencing a suit against a former shareholder of a dissolved corporation arising from the liabilities of the corporation or arising from acts of the corporation unless the suit is commenced within ten years after the corporation's dissolution. Furthermore, no judgment against a dissolved corporation may be satisfied by proceeding against or joining an individual shareholder unless a suit has been filed against the dissolved corporation and the shareholders within ten years of the dissolution of the corporation. The bill states that these provisions will apply retroactively.

H.4775 received a favorable recommendation. This bill concerns the "Notice of Names of Persons Appearing to be Owners of Abandoned Property" which must be published by the State Treasurer or his representative (see House Week in Review).

H.4787 was reported out favorably. This bill renames the National Guard Museum and State Weapons Collection as the South Carolina Military Museum (See House Week in Review).

The full committee amended and passed H.4631, which is entitled the "South Carolina School Safety Act of 1998." This legislation allows the governing body of a municipality or county to designate school resource officers to work within the local government's school systems. The bill provides the school resource officer with statewide jurisdiction to arrest persons committing crimes in connection with a school activity or school-sponsored event. Current law requires school administrators to contact law enforcement officers immediately upon notice that a person is engaging or about to engage in school-related crime. This bill states that the failure of a school administrator to report the criminal conduct will subject the administrator and the school district to liability to pay a party's attorney's fees and the costs associated with an action to compel compliance with the reporting requirements. The amendment to the bill adds notification requirements if a student has been convicted of certain weapons or drug offenses. The appropriate agency (for example, the Department of Juvenile Justice) or the clerk of court (if the student is not sentenced to probation or incarceration) is required to provide immediate notice of the student's conviction or adjudication to the senior administrator of the school where the student is enrolled.

The full committee amended and gave a favorable recommendation to H.4696, concerning alcoholic beverage control laws affecting wine only. The bill regulates certain practices between wine producers, wine wholesalers, and wine retailers.

The full committee also amended and gave a favorable report on H.4671, concerning satisfaction of mortgages (see House Week in Review).

### **LABOR, COMMERCE AND INDUSTRY**

The House Labor, Commerce and Industry Committee met on Tuesday, March 3, and gave a report of favorable with amendment to S.593 which provides for regulations specifically geared to Bed and Breakfast Establishments. The legislation authorizes a bed and breakfast with a residential kitchen to provide breakfast to registered guests, only, without adhering to the more stringent regulations which the Department of Health and Environmental Control establishes for restaurants, hotels, cafes, and other dining establishments. Should a bed and breakfast establishment serve meals other than breakfast or serve patrons other than registered guests, standard DHEC regulations must be followed. The bill provides sanitation and fire safety requirements for bed and breakfast establishments. Under the amendment proposed by the committee, a bed and breakfast with a residential kitchen which provides breakfast to registered guests, only, need not obtain a food service permit from DHEC. The amendment also adjusts fire safety requirements.

The committee gave a favorable report to S.472 which was approved by the full House and enrolled for ratification ( see House Week in Review, this issue ).



The committee tabled **H.3116** which provides employers with incentives for allowing employees paid leave time for participating in volunteer teaching programs and other public school activities.

The committee returned to the Business and Commerce Subcommittee **H.4408** which provides a mechanism by which recipients may discontinue receipt of catalogs, leaflets, and other advertisements sent through the mail.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The full Medical, Military, Public and Municipal Affairs Committee did not meet this week.

## **WAYS AND MEANS**

The full Ways and Means Committee did not meet this week.

## **BILLS INTRODUCED IN THE HOUSE**

### **AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS**

#### **H.4946 DHEC TO PAY FOR FEDERAL SWAB TESTING Rep. Davenport**

This bill requires the Department of Health and Environmental Control to pay for swab (or sponge microbiological) testing which is required of meat packing companies by the federal government to target and reduce the presence of pathogenic organisms in meat and poultry products. Currently, federal regulations require meat packaging plants to pay for swab tests.

#### **H.4939 FUNDS FROM THE COLONIAL PIPELINE SETTLEMENT Rep. Tripp**

In June, 1996, the Colonial Pipeline ruptured and spilled nearly one million gallons of diesel fuel into the Reedy River near Greenville. South Carolina ultimately reached a settlement agreement with Colonial Pipeline over the environmental damage the spill caused. This joint resolution states that any funds received by the State from the Colonial Pipeline settlement must be credited to the Mitigation Trust Fund and used for environmental cleanup of the Reedy River.

#### **H.4947 NO WAKE ZONE ON THE LITTLE CHECHESSEE CREEK Rep. Pinckney**

A boat moving at high speeds creates a visible track in the water called a wake. This bill establishes a no wake zone on that portion of the Little Chechessee Creek in Beaufort County that parallels Sugar Mill Drive on Callawassie Island extending from the Callawassie Causeway to a point three hundred feet south of the dock on the property located at 31 Sugar Mill Drive.

#### **H.4945 INCINERATION OF HAZARDOUS WASTE Rep. Felder**

Hazardous waste facilities must collect a fee of ten dollars a ton on the incineration of hazardous waste in South Carolina. The fee must be remitted to the state treasurer and

credited to the States general fund. **H.4945** states that incineration of hazardous waste *does not* include a facility used solely for incineration of hazardous waste generated in the course of normal operations on property under the same ownership or control as the facility.

## EDUCATION AND PUBLIC WORKS

### **H.4914 INFORMATION DISCLOSURE UNDER EMPLOYMENT SECURITY LAW**

**Rep. Boan**

This bill allows the Employment Security Commission to provide to the SC State Education Assistance Authority or the SC Student Loan Corporation, upon request, information consisting of the name, home address, ordinary occupation, employment status, and employer's address of an individual who has defaulted on a student loan.

### **H.4929 TASK FORCE ON TROUBLED YOUTH** Rep. Davenport

This joint resolution establishes a nine member task force charged to study alternatives to aid families and schools in addressing the problems of troubled youth, and to submit findings and recommendations to the Governor and General Assembly by July 1, 1999. Task force members include the Governor or a designee, and representatives from the SC House, the SC Senate, the SC Department of Mental Health, the SC Department of Social Services, the SC Department of Juvenile Justice, and the SC Department of Education. Task force members will not be compensated for time, mileage, subsistence or *per diem*, but expenses incurred in carrying out the purpose of the task force will be paid from approved accounts of the House and Senate, and staff for the task force will be personnel appointed by the Speaker of the House and the President of the Senate.

### **H.4930 SC STUDENT & FAMILY PRIVACY & PROTECTION ACT OF 1998** Rep. Haskins

This bill enacts the "*SC Student and Family Privacy and Protection Act of 1998*," the purpose of which is to require informed consent for the provision of school health care services, with limited exceptions; to protect the privacy of students and their families; and to protect against the inappropriate collection and release of certain student records.

The bill provides that, except for "directory information" (defined in the bill as a student's name, age, city or county residence, official sports participation, weight and height - if student is a member of an athletic team, and any awards, certificates, and diplomas received by the student), no educational entity may release or allow access to any student or any personal or private information relating to personally identifiable information on the student or family of the student except to certain persons and under certain circumstances specified in the bill. Also, except where required under federal law, no social security number may be used as a personal identifier for a student record, and no educational entity may request or require disclosure of a student's social security number for any reason. The bill also prohibits - with specified exceptions including medical emergencies - the utilization of school facilities or resources for the provision of health care services to students without certain consent from the student's parent or guardian.



The bill also entitles a student's parent or guardian to inspect all instructional materials and teacher manuals (other than test questions or exam materials) within two business days after making a written request to view same, and the bill directs that school entities establish a reasonable procedure to implement this provision.

The bill prohibits school entities from requiring or permitting a student to participate in any survey, questionnaire, etc., that would require or provide for the disclosure of the informed consent of a parent or guardian (or if the student is over age 18, the informed consent of the student) as provided in the bill. The bill permits, with specified exceptions, discussion or testing on matters directly related to course instruction on core academic subject areas, other than health, sex education, or similar areas which are subject to the informed consent requirement of the bill. The bill includes special provisions for contact between students and school personnel regarding advice and counseling to the student and regarding any physical, mental, or emotional problem of the student. The bill allows a parent or guardian to excuse a student from specific instruction which conflicts with the parent's or guardian's religious beliefs. The bill requires that students' parents and guardians be given certain written information about their rights as provided by this bill, and requires that each school entity designate one person to be responsible to parents and guardians to make sure that the parents', guardians', and students' rights are protected. The bill provides for violations of the provisions of the bill, and provides for legal advice concerning matters or issues which may arise in connection with the provisions of the bill. The bill also specifies form and content for obtaining informed consent from a parent or guardian.

**H.4933 TEACHING OF FOREIGN LANGUAGE Rep. Townsend**

This bill provides that if a school district is unable to employ a sufficient number of foreign language teachers for its elementary or secondary foreign language programs, the State Board of Education may grant a waiver to that district which will permit it to employ foreign nationals to teach their native or acquired language in the schools of the district for a maximum of three years. The bill requires that these foreign nationals must have appropriate work clearances and must meet all requirements for SC teacher certification except that they are not required to be US citizens nor are they required to meet current requirements for examination regarding the provisions of the US Constitution and their loyalty thereto.

**S.992 TOLL COLLECTION Sen. Passailaigue**

This bill adds a section to the *SC Code* regarding the payment and collection of tolls. The bill provides that if a vehicle drives through a turnpike facility without payment of the required toll, the owner and operator of the vehicle is liable to the Department of Transportation (DOT) to pay the required toll, administrative fees (maximum amounts are specified in the bill), and civil penalty as provided in the bill; and the DOT may enforce the collection of the toll as provided in the bill. The bill specifies procedures and timelines which must be followed by the DOT and by county magistrates and municipal courts in the event of single and multiple toll violations, including provisions for determining that the person or entity charged is liable, and the magistrate or municipal court's authority to collect the unpaid tolls and administrative fee and forward them to the DOT or its agent. The court may also impose a specified civil penalty, plus court costs and attorney's fees. The bill also makes provisions for toll violations when the violating vehicle has been reported as stolen, when the violating vehicle was leased to an



entity other than the owner, and when the violating vehicle was operated by someone other than the owner. The bill also provides for setting up and for payment of electronic toll collection accounts. The bill exempts from the payment of tolls public school buses transporting public school children for a school event. **S.992** is an amended companion bill to **H.4748**, which is currently in the House Education and Public Works Committee. The Senate amended the original version of **S.992** by adding authority for municipal courts and by adding the exemption from toll payment for public school buses.

**H.4948 TASK FORCE TO DEVELOP "DECLARATION OF PRINCIPLES  
FOR DAILY LIVING" Rep. Davenport**

This bill directs the Department of Education to create a task force to develop and submit to the General Assembly by January 1, 1999, a document containing a "Declaration of Principles for Daily Living." This document's purpose is to serve as a guide for students, teachers and all school district personnel in treating one another with kindness, compassion and consideration, in respecting the beliefs and property of others, in acting with decency and decorum, and in being responsible and contributing members of school and local communities. The bill provides requirements for representation on the task force and the bill requires that subsequent to General Assembly approval of the document, the Department of Education must publish and distribute the document as provided in the bill.

**H.4954 MOTOR VEHICLE DEALER AND WHOLESALER LICENSES Rep. McLeod**

This bill provides that an out-of-state motor home dealer that is licensed and has a permanent location in another state may show and sell motor homes in South Carolina if there is no factory authorized dealer selling his line or category of motor homes, and if he obtains a one hundred dollar temporary dealer's license.

**H.4956 "C" FUNDS Rep. Rodgers**

This bill amends the procedure for expenditure of "C" Funds, which are the proceeds from two and sixty-six one-hundredths cents a gallon of the tax on gasoline. These funds are currently apportioned among the counties of the State, and are used in furtherance of a countywide transportation plan adopted by a county transportation committee. This bill does not change the current method of county transportation committee appointment (by the county legislative delegation), but the bill does revise the composition of the committee to include a number equal to the number of members of the county council, and the bill further provides that when county council members are elected from specific districts, there must be one member of the committee appointed from each district. The bill also provides for committee members' terms of office (including maximum terms), resignation, or failure to attend meetings, and increases from \$1000 to \$1500 the amount allowed for committee administrative expenses.

**H.4957 "SC CAMPUS-BASED CHILD CARE ACT" Rep. Byrd**

This bill enacts the "South Carolina Campus-Based Child Care Act," the purpose of which is to support the participation of low-income parents in postsecondary education through the provision of campus-based child care services. The bill provides a procedure for the SC Commission on Higher Education (CHE) to award grants to institutions of higher learning to assist the institutions in providing these services to low income students. These grants are to be awarded for a period of three years (renewable for another three years) to applying



institutions in amounts not to exceed one percent of the total amount of all federal Pell Grant funds awarded to students enrolled in that institution for the preceding fiscal year, but not less than ten thousand dollars. Institutions are eligible for grants if the total amount of all federal Pell Grant funds awarded to students enrolled at the institution for the preceding fiscal year equals or exceeds one million dollars. Institutions are not prohibited under the bill from also serving the child care needs of the community served by the institution. The bill provides grant application requirements and procedures to be used by CHE and applicant institutions, and requires specified reports to the CHE by institutions receiving grants.

**H.4958 INTERIM LICENSE PLATES Rep. J. Brown**

This bill requires that, unless a vehicle owner has transferred a license plate to another vehicle he owns, a dealer must issue an interim license plate and an interim registration certificate at the time a vehicle is transferred for vehicles purchased from him that are required to be registered under current law. The bill requires that the Department of Public Safety (DPS) provide the interim plates to dealers in South Carolina for a fee of five dollars each, and the dealer may charge that amount to the purchaser. The bill requires that DPS design the plate and that the dealer must insert certain information on the face of the plate. The bill provides for interim plates to be placed on vehicles purchased from other than a dealer, and allows 45 days to replace the interim plate and registration with a permanent plate and registration. Also, the bill provides that a person who operates a motor vehicle in violation of these provisions is guilty of a misdemeanor and may be fined not more than fifty dollars. The bill also repeals SC Code of Laws, Title 56, Chapter 3, Section 220, which provides for the display of "sold" cards on vehicles.

**H.4960 NONPROFIT ORGANIZATIONS Rep. Moody-Lawrence**

This bill provides that a nonprofit organization is exempt from Department of Transportation (DOT) provisions that treat it as a business. The bill also provides that DOT may install driveway entry and exit drainage pipes for a nonprofit organization.

**H.4961 SCHOOL-TO-WORK TRANSITION ACT Rep. Moody-Lawrence**

This bill provides that, for purposes of the School-to-Work Transition Act and for purposes of the graduation requirements of the tech-prep program of study, home economics and certain specified related courses are considered to be occupational rather than nonoccupational.

## JUDICIARY

**H.4911 CAMPAIGN WORKERS Rep. Young**

Under the provisions of this bill, no person who is ineligible to vote in South Carolina because of a disqualifying criminal conviction, or who has served any part of a prison term resulting from a disqualifying criminal conviction, may serve as a consultant or adviser to any political party, campaign, or candidate for public office. The person would be ineligible to work in any capacity for any political party, campaign, or candidate for public office, or to work for a person engaged as an officer, director, agent, or employee of any group or association of persons dealing with any aspect of a political campaign. The person cannot have any responsibility in the area of fund raising or campaign finances for any political party, interest group, campaign, or candidate.

The prohibitions listed above would continue for the period of 15 years after such conviction, or after the end of such imprisonment, whichever is later, unless the sentencing court sets a lesser period of at least 5 years after the conviction or after the end of the imprisonment, whichever is later, or unless the person is pardoned and his rights have been fully restored. No person may knowingly employ a person to serve in any capacity in violation of these provisions. Intentional violators are guilty of a felony and, upon conviction, must be fined not more than \$10,000 and/or imprisoned for not more than five years.

**H.4918 BACKGROUND CHECK Rep. Young**

This bill states that a chief law enforcement officer or another person responsible for providing information concerning background checks is not liable in an action at law for damages for failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful, or for preventing the sale or transfer to a person who may lawfully receive or possess a firearm.

**H.4922 PASSING A STOPPED SCHOOL BUS Rep. Harrison**

Under current law, a person who unlawfully passes a stopped school bus must be fined not less than \$500 or imprisoned not more than 30 days. This bill provides that a person who unlawfully passes a stopped school bus must be fined not more than \$500 or imprisoned not more than 30 days.

**H.4923 COMMISSION ON CONSUMER AFFAIRS Rep. Knotts**

This bill devolves the duties, functions, and responsibilities of the Commission on Consumer Affairs upon the Secretary of State's office on August 1, 1998. All personnel, appropriations, and full-time equivalent positions of the Department of Consumer Affairs and the Office of Administration of Consumer Affairs would be transferred to the Secretary of State's office on August 1, 1998. The Consumer Advocate would be appointed with the approval of the Secretary of State.

**H.4942 INTERPRETER IN A CRIMINAL PROCEEDING Rep. Lee**

This bill prohibits an inmate from being used as an interpreter in any criminal proceeding in which a party to the proceeding does not speak English.

**H.4943 LOSING CANDIDATE'S PROTEST Rep. Whatley**

This bill provides that a losing candidate who protests an election on any grounds other than on the disparity of the number of ballots cast must pay all costs associated with the protest to the winning candidate if the protest is frivolous and without merit.

**H.4944 CHILD SUPPORT Rep. Felder**

This bill requires the Department of Social Services or its designee to operate a centralized collection and disbursement system for all child support cases in which federal law requires centralized collection. Child support amounts collected through the centralized collection and disbursement system are subject to the three percent court cost pursuant to state law.



## LABOR, COMMERCE AND INDUSTRY

### **S.778 EMERGENCY COMMERCIAL MOBILE RADIO SERVICE Sen. Bryan**

This bill establishes a monthly Commercial Mobile Radio Services ( CMRS ) 911 charge levied for each CMRS connection for which there is a mobile identification number containing a South Carolina Area Code. The bill creates the Commercial Mobile Radio Services ( CMRS ) Emergency Telephone Services Board to set annually the rate of the levy based upon the average monthly telephone (local exchange access facility) 911 charges paid in the state. Providers of CMRS services must remit the monthly fees to the board, which must deposit the fees in a separate interest-bearing account. The legislation specifies how the board must, among other things, disburse funds from the account to public safety agencies to pay for costs incurred in the answering, routing, and proper disposition of CMRS 911 calls. Membership and reporting requirements are established for the CMRS Emergency Telephone Services Board.

### **H.4955 SAFE DRIVER DISCOUNT FOR AUTOMOBILE INSURANCE Rep. Bowers**

This bill provides that no driver who has been granted a safe driver automobile insurance discount shall forfeit that discount for up to four merit rating points for automobile insurance purposes.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

### **H.4931 CERTIFICATES FOR HANDICAPPED TAXI CAB RIDERS Rep. Howard**

This bill requires the Department of Disabilities and Special Needs to issue certificates or permits to handicapped individuals that allow a taxicab driver transporting that person to park in a handicapped parking place.

## WAYS AND MEANS

### **H.4913 DEFAULT ON STUDENT LOANS Rep. Boan**

This bill allows for garnishment of wages of an individual who is not making student loan payments required by an agreement with the SC Student Loan Corporation, the State Education Assistance Authority, or the US Secretary of Education. The bill provides requirements that a claimant must satisfy before initiation of garnishment proceedings is allowed, and the bill specifies maximum amounts which may be garnished per pay period. Also, the bill prohibits an employer from discharging, refusing to employ, or taking disciplinary action against an individual because his wages are withheld pursuant to this bill, and provides that the court shall allow attorney's fees (in addition to other remedies) to an employee who prevails in an action pursuant to this provision of the bill.

### **H.4915 REVISIONS TO SETOFF DEBT COLLECTION ACT Rep. Boan**

This bill revises the Setoff Debt Collection Act (the Act) by including the SC Student Loan Corporation in the definition of "claimant agency." As a "claimant agency," the SC Student Loan Corporation would be permitted, in addition to other remedies allowed by law, to set off tax refunds due to a debtor against certain debts or delinquent accounts which that debtor

owes to the SC Student Loan Corporation. The bill also revises the procedure for collection under the Act by deleting the provision that the notice of request for set-off may be made by "certified or registered" mail. The bill changes this provision so as to allow that the notice may be sent by "United States" mail.

**H.4916 REVISIONS TO PUBLIC WORKS IMPROVEMENT ACT Rep. Boan**

This bill revises the County Public Works Improvement Act by adding to the definition of "improvements," recreational and other facilities for public use, and certain other facilities designated as public works or a system of related projects eligible for revenue bond financing. The bill also provides that an assessment imposed upon real property with the consent of the owner remains valid and enforceable even if there is a later subdivision and transfer of the property or a part of it; also, an improvement plan may provide for a change in the basis of assessment upon the subdivision and transfer of real property. The bill also amends the method of financing improvements by including revenue bonds of the county, and provides that, for purposes of the Revenue Bond Act for Utilities, assessments constitute revenues of the system.

**H.4951 "DIVIDED MUNICIPALITY SALES TAX ACT" Rep. Vaughn**

This bill enacts the "*Divided Municipality Sales Tax Act*," which allows a municipal council to impose a one percent sales and use tax by ordinance, subject to referendum approval, in portions of a municipality not subject to taxes imposed pursuant to a county local option sales and use tax. At least 71% of the revenue from this municipal tax is to be used for municipal property tax relief and the balance is to be used for municipal purposes as the council determines. The bill provides for a referendum for rescission of the municipal tax, upon petition of at least 15% of the qualified electors of that municipality. A referendum for rescission may not be held earlier than two years after the tax has been imposed in the municipality. If the majority votes in favor of rescission, the tax may not be reimposed in the municipality for two years. If the majority votes against rescission, no further rescission referendums may be held for two years. The bill provides for rescission of the municipal tax and for allocation of revenues when a portion of a municipality is located in a county in which a county local option tax is imposed. The bill provides procedures for the Department of Revenue (DOR) to administer and collect taxes imposed under the provisions of this bill, and provides for distribution of revenue collected, including a provision that the DOR may recoup costs of administration up to one percent of the revenues, and a provision that the State Treasurer shall distribute the revenues quarterly to the municipality in which the tax is imposed.

**H.4959 RETIREMENT INCOME DEDUCTION Rep. Chellis**

This bill eliminates a taxpayer's right to elect to defer the annual retirement income deduction until the year in which the taxpayer reaches age 65. The bill allows an annual deduction of up to \$3,000 of retirement income and up to \$10,000 beginning in the year the taxpayer reaches age 65. The bill also provides that beginning for the year in which a taxpayer reaches age 65, the taxpayer is allowed an annual deduction of \$11,500 reduced by the retirement income deduction. The bill also provides for claiming this deduction on joint returns.



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SPECIAL NOTE: A cumulative index to the weekly issues of the *Legislative Update* has been added to the *Legislative Update* page on the Worldwide Web. Bills are listed in numerical order in this index. Each bill number is followed by a list of hypertext links (in chronological order) to every reference to that bill in any issue of the *Legislative Update* during the current session, 1997-98. This is an easy way (just click on the links) to find summaries of bills introduced into the House and to follow the progress of a bill through House committees and on the floors of the House and Senate.